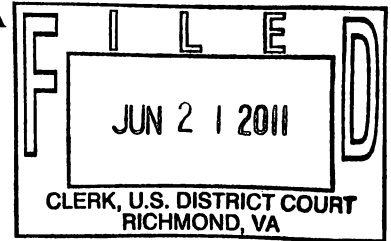


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



GARY BUTERRA WILLIAMS,)
)
 Petitioner,)
)
v.)
)
CIRCUIT COURT FOR THE)
CITY OF SUFFOLK *et al.*,)
)
 Respondent.)

Civil Action No. 3:11CV125-HEH

**MEMORANDUM OPINION
(Dismissing Action Without Prejudice)**

Gary Buterra Williams, a Virginia inmate proceeding *pro se*, submitted this action and has requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.


28 U.S.C. § 1915(g).

Williams has at least three other actions that have been dismissed as frivolous or for failure to state a claim. *See Williams v. Maskelony*, No. 3:09cv500, 2009 WL 3762242, at *1 (E.D. Va. Nov. 9, 2009) (listing cases). Williams's current pleading does not demonstrate that he is in imminent danger of serious physical harm. Accordingly, by Memorandum Order entered on April 20, 2011, the Court denied Williams's request to

proceed *in forma pauperis* and directed Williams to the pay the \$350.00 filing fee within eleven (11) days of the date of entry hereof.

More than eleven (11) days has elapsed since the entry of the April 20, 2011 Memorandum Order and Williams has not paid the required filing fee. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

 /s/_____
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

Date: June 21, 2011
Richmond, Virginia